

## **Montana Supreme Court Access to Justice Commission**

**June 2, 2023**

**Zoom Video Conference**

**10:00 AM – 12:00 PM**

### **Meeting Minutes**

**Commissioners Present:** Justice Beth Baker, Lillian Alvernaz, Aimee Grmoljez, Hon. John Kutzman, Katy Lovell, Alison Paul, and Kekek Stark.

**Commissioners Absent:** Ed Bartlett, Hon. David Carter, Rick Cook, Hon. Stacie Four Star, Jacob Griffith, Hon. Leslie Halligan, Juli Pierce, Rep. Katie Sullivan, Olivia Riutta, and Margaret Weamer.

**Others Present:** Alissa Chambers, McKayla Henson, Emma Schmelzer, Grace Loveless, Franklin Runge, Ellie Webster, Valerie Falls Down, Patty Fain, Shane Cashin, and Krista Partridge.

### **Call to Order & Introductions**

Justice Baker called the meeting to order at 10:01 a.m., and she asked participants to introduce themselves.

### **Approval of March Meeting Minutes**

Justice Baker asked for corrections on the March meeting minutes. There were no corrections offered, but the minutes could not be approved since a quorum of members was not present.

### **Legislative Update**

Justice Baker reported that the legislature approved \$300,000 per year for the biennium to continue the family law mediation program. She said that a meeting has been scheduled for June 5 to start planning. Aimee Grmoljez thanked Justice Baker and Bruce Spencer for their work on securing this funding. Justice Baker added that the Judicial Branch received their requested funding and will be upgrading technology.

### **IDRT/Family Law Mediation Update**

Emma Schmelzer reported that IDRT pilot program was successful and referred to the report in the meeting materials. Eight informal domestic relations trials were completed during the pilot phase of the program, and the consensus from the judges is that IDRT should be the default process for pro se litigants. Some judges would also like to use IDRT even when only one litigant is unrepresented. Justice Baker said that once the pilot project judges submit their recommendations, she will bring those back to the Supreme Court. The Supreme Court will then take comments on the proposal before making a final order. Emma added that she has joined the board of the Montana Mediation Association and will be promoting the Family Transition Project (family law mediation) to the members.

### **Pro Bono Action Committee Update**

Patty Fain reported that the group has developed a priority matrix, with the highest priority initiatives being those with the greatest potential impact relative to the cost and effort involved. A pro bono portal is being built in cooperation with MLSA and the State Bar's Justice Initiatives

Committee that will connect volunteers with pro bono opportunities statewide and will include practice materials for limited scope representation. She said the technology upgrades for the judiciary will help advance this effort and she asked commission members to reach out to her to add pro bono opportunities to the portal. The group also completed a Pro Bono Handbook for judges and Justice Baker presented it at the recent Judges Conference. Patty added that she is hoping to create a similar handbook for tribal court judges. She also thanked Franklin Runge for his assistance with this project.

### **Strategic Planning Committee Update**

The committee is planning to meet later in the summer and did not have an update.

### **Self-Represented Litigants Committee Update**

There was no update from the committee.

### **Outreach and Communications Committee Update**

Franklin Runge reported that he visited the State Prison in Deer Lodge and hopes to make legal information more accessible to incarcerated people. Justice Baker asked about the Women's Prison, and Franklin noted that it has a very robust pro bono program with support from Crowley Fleck. Franklin mentioned that the members of the Blackfeet Appellate Court recently visited the State Law Library and they discussed the Indian Law Portal. Lillian Alvernaz added that the portal is going to be renamed in honor of Stacey Gordon, the former Director of the Jameson Law Library at the University of Montana and former co-director of the Summer Indian Law Program at the school. Franklin reported that Shane Cashin will be teaching an upcoming CLE event in conjunction with MLSA on updates to landlord-tenant law in the recent legislative session. Shane works with the Montana Eviction Intervention Project (MEIP) at MLSA and will also provide an overview of MEIP and common landlord-tenant issues.

### **MLSA Update**

Alison Paul reported that MLSA has been working on outreach and resource materials to educate the public on the impacts of HB 282, particularly the 5-day response time for eviction actions. She also reported that the second cohort of eight Tribal Advocacy Incubator students began their training in mid-May, while the first group continues to work on taking the tribal court bar exams and setting up their businesses. Alison said that MLSA received a technology grant from the Legal Services Corporation to set up an opt-in service for clients who have received advice or resource referrals from MLSA. The service would send texts to the client regarding the next steps they should take to address their legal matter, along with links to additional resources. The Self-Help Law Center provided a letter of support for this grant application. Emma Schmelzer added that it would be helpful for family law mediation clients to be given the option to opt in to this service and Alison agreed.

### **Equal Justice Conference**

Alissa Chambers reported that the Equal Justice Conference in May was very beneficial and added that the presentations given by MLSA staff were very well attended. Her primary focus for the conference was to attend sessions geared toward fundraising, but added that the consumer protection session that she attended included information on how helpful text reminders were for people facing debt collection actions. Most collection lawsuits are default judgements in favor of

the debt collectors because the respondents don't always receive mailed notices or realize the importance of appearing. MLSA's Pro Bono Coordinator, Ellie Webster, and Tribal Advocacy Incubator Coordinator, Valerie Falls Down, also attended and presented at the conference. Ellie reported that MLSA's bankruptcy clinic at the law school in April was very successful and will be held again in the fall. Valerie presented on Tribal Advocacy Incubator Project (TAIP) and made many valuable connections with national leaders on access to justice issues and trauma-informed practices. Valerie added that she just hosted a roundtable meeting between the first cohort of TAIP participants and the new class. She thanked Kekek Stark and Lillian Alvernaz for all their support as instructors for the program.

### **Karla Gray Award**

Justice Baker reviewed the Karla Gray Award criteria and explained that the role of the Commission is to present nominees to the State Bar for consideration. She asked members to email nominees to McKayla Henson and reminded the group that judges in any jurisdiction and at any level are eligible.

### **Public Comment and Next Meeting Dates**

Justice Baker asked for public comment. There was no public comment. The next meeting is in September and will be a joint meeting with the Justice Initiatives Committee. The meeting was adjourned at 11:09am.